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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 NO. 8 MINE, LLC,

9 Plaintiff,

10 v.

11 THE ELJEN GROUP, LLC, et al.,

12 Defendants.

3:18-cv-00104-WGC

ORDER

Re: ECF No. 188

13 Before the court is the motion of Mitchell Posin, Esq., who is counsel for Plaintiff No. 8
14 Mine, LLC, and Counter Defendant/Third Party Defendant David Tackett, to withdraw as counsel
15 (ECF No. 188). Counsel's motion was served on Plaintiff No. 8 Mine, LLC, and Counter
16 Defendant/Third Party Defendant David Tackett on January 4, 2021. (ECF No. 193 at 2.) No
17 timely response has been filed. Therefore, counsel's motion (ECF No. 188) is **GRANTED**.

18 Although 28 U.S.C. § 1654 allows "parties" to "plead and conduct their own cases
19 personally," the statute has not been interpreted to allow corporate entities to do so. "Corporations
20 and other unincorporated associations must appear in court through an attorney." *In re America*
21 *W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam) (citations omitted). This rule
22 "prohibits *pro se* plaintiffs from pursuing claims on behalf of others in a representative capacity."
23 *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008); *see also C.E. Pope Equity*

1 *Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987) (trustee may not appear *pro se* because
2 he is not the person who by substantive law has the right sought to be enforced).

3 As Judge Hicks noted in *HDR Insurance Managers, LLC v. Summit Insurance Services,*
4 *Inc.*, No. 2:09-cv-0380-LRH-GWF (D. Nev. 2011),

5 It is well recognized that a corporation may only appear in federal
6 court through licensed counsel. *See e.g., Rowland v. California*
7 *Mens Colony, Unit II Mens' Advisory Council*, 506 U.S. 194, 200-
8 201 (1983); *In re Highley*, 459 F.3d 554, 555 (9th Cir. 1972).

9
10 **IT IS HEREBY ORDERED** that Plaintiff No. 8 Mine, LLC, shall file a substitution of
11 counsel within **thirty (30) days** of this order, i.e., on or before **Monday, March 8, 2021**. Plaintiff No. 8
12 Mine, LLC, should be aware that if it fails to timely secure replacement counsel, its participation
13 in this case may be terminated.

14
15 **IT IS FURTHER ORDERED** that a copy of this order and all documents filed until
16 Plaintiff No. 8 Mine, LLC, obtains counsel shall be served on Plaintiff No. 8 Mine, LLC, and
17 Counter Defendant/Third Party Defendant David Tackett, via regular mail at the following
18 addresses:

19
20 No. 8 Mine, LLC
21 2711 E. Lakin Drive, #2
22 Flagstaff, AZ 86004

23
24 David Tackett
25 2711 E. Lakin Drive, #2
26 Flagstaff, AZ 86004

27
28 DATED: February 3, 2021.

29
30 
31 William G. Cobb
32 United States Magistrate Judge